



General Assembly

February Session, 2004

Raised Bill No. 5528

LCO No. 1928

01928____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING MINOR REVISIONS TO THE
ENVIRONMENTAL PROTECTION STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-174 of the general statutes, as amended by
2 sections 125 and 126 of public act 03-6 of the June 30 special session, is
3 repealed and the following is substituted in lieu thereof (*Effective from*
4 *passage*):

5 (a) The commissioner, in the manner provided in subdivision (1) of
6 section 22a-6, as amended by this act, shall have the power to
7 formulate, adopt, amend and repeal regulations to control and prohibit
8 air pollution throughout the state or in such areas of the state as are
9 affected thereby, which regulations shall be consistent with the federal
10 Air Pollution Control Act and which qualify the state and its
11 municipalities for available federal grants. Any person heard at the
12 public hearing on any such regulation shall be given written notice of
13 the determination of the commissioner.

14 (b) The commissioner shall have the power to employ technical
15 consultants for special studies, advice and assistance; to consult with

16 and advise and exchange information with other departments or
17 agencies of the state.

18 (c) The commissioner shall have the power, in accordance with
19 regulations adopted by him, (1) to require that a person, before
20 undertaking the construction, installation, enlargement or
21 establishment of a new air contaminant source specified in the
22 regulations adopted under subsection (a) of this section, submit to him
23 plans, specifications and such information as he deems reasonably
24 necessary relating to the construction, installation, enlargement, or
25 establishment of such new air contaminant source; (2) to issue a permit
26 approving such plans and specifications and permitting the
27 construction, installation, enlargement or establishment of the new air
28 contaminant source in accordance with such plans, or to issue an order
29 requiring that such plans and specifications be modified as a condition
30 to his approving them and issuing a permit allowing such
31 construction, installation, enlargement or establishment in accordance
32 therewith, or to issue an order rejecting such plans and specifications
33 and prohibiting construction, installation, enlargement or
34 establishment of a new air contaminant source in accordance with the
35 plans and specifications submitted; (3) to require periodic inspection
36 and maintenance of combustion equipment and other sources of air
37 pollution; (4) to require any person to maintain such records relating to
38 air pollution or to the operation of facilities designed to abate air
39 pollution as he deems necessary to carry out the provisions of this
40 chapter and section 14-164c, as amended; (5) to require that a person in
41 control of an air contaminant source specified in the regulations
42 adopted under subsection (a), obtain a permit to operate such source if
43 the source (A) is subject to any regulations adopted by the
44 commissioner concerning high risk hazardous air pollutants, (B) burns
45 waste oil, (C) is allowed by the commissioner, pursuant to regulations
46 adopted under subsection (a), to exceed emission limits for sulfur
47 compounds, (D) is issued an order pursuant to section 22a-178, as
48 amended by this act, or (E) violates any provision of this chapter, or
49 any regulation, order or permit adopted or issued thereunder; (6) to

50 require that a person in control of an air contaminant source who is not
51 required to obtain a permit pursuant to this subsection register with
52 him and provide such information as he deems necessary to maintain
53 his inventory of air pollution sources and the commissioner may
54 require renewal of such registration at intervals he deems necessary to
55 maintain such inventory; (7) to require a permit for any source
56 regulated under the federal Clean Air Act Amendments of 1990, P.L.
57 101-549; (8) to refuse to issue a permit if the Environmental Protection
58 Agency objects to its issuance in a timely manner under Title V of the
59 federal Clean Air Act Amendments of 1990; and (9) notwithstanding
60 any regulation adopted under this chapter, to require that any source
61 permitted under Title V of the federal Clean Air Act Amendments of
62 1990 shall comply with all applicable standards set forth in the Code of
63 Federal Regulations, Title 40, Parts 51, 52, 59, 60, 61, 63, 68, 70, 72 to 78,
64 inclusive, and 82, as amended from time to time.

65 (d) The commissioner shall have all incidental powers necessary to
66 carry out the purposes of this chapter and section 14-164c, as amended.

67 (e) As used in this subsection, "contiguous" means abutting or
68 adjoining without consideration of the actual or projected existence of
69 roadways, walkways, plazas, parks or other minor intervening
70 features; "indirect source" means any building, structure, facility,
71 installation or combination thereof, that has or leads to associated
72 activity as a result of which any air pollutant is or may be emitted. The
73 commissioner shall not require the submission of plans and
74 specifications under indirect source regulations adopted pursuant to
75 subdivisions (1) and (2) of subsection (c) of this section for proposed
76 construction to be undertaken within a redevelopment area or urban
77 renewal project, as defined in chapter 130, provided (1) the proposed
78 construction is pursuant to a plan for such redevelopment area or
79 urban renewal project adopted pursuant to section 8-127 prior to
80 October 1, 1974, or to a modification of such plan, (2) the proposed
81 construction is part of a contiguous, single purpose or multipurpose
82 development or developments and (3) site clearance or construction

83 had commenced on a portion of the site of such development or
84 developments prior to October 1, 1974, nor shall the commissioner
85 issue any order pursuant to subdivision (1) of subsection (c) of this
86 section pertaining to the enforcement of indirect source regulations
87 with respect to such proposed construction within such redevelopment
88 areas and urban renewal projects. In the event that the modification of
89 any such plan after October 1, 1974, would result in the proposed
90 construction generating substantially more motor vehicle traffic than
91 would have been generated prior to such modification, the submission
92 of plans and specifications shall be required for such proposed
93 modification. The commissioner shall not require the renewal of an
94 indirect source operating permit issued in accordance with subsection
95 (c) of this section unless such indirect source no longer conforms with
96 plans, specifications or other information submitted to said
97 commissioner in accordance with said subsection (c).

98 (f) The commissioner shall allow the open burning of brush on
99 residential property, provided the burning is conducted by the
100 resident of the property or the agent of the resident and a permit for
101 such burning is obtained from the local open burning official of the
102 municipality in which the property is located, and the open burning of
103 brush in municipal landfills, transfer stations and municipal recycling
104 centers, provided a permit for such burning is obtained from the fire
105 marshal of the municipality where the facility is located, except that no
106 open burning of brush shall occur (1) when national or state ambient
107 air quality standards may be exceeded; (2) where a hazardous health
108 condition might be created; (3) when the forest fire danger in the area
109 is identified by the commissioner as extreme and where woodland or
110 grass land is within one hundred feet of the proposed burn; (4) where
111 there is an advisory from the commissioner of any air pollution
112 episode; (5) where prohibited by an ordinance of the municipality; and
113 (6) in the case of a municipal landfill, when such landfill is within an
114 area designated as a hot spot on the open burning map prepared by
115 the commissioner. A permit for the burning of brush at any municipal
116 landfill, municipal transfer station or municipal recycling center shall

117 be issued no more than six times in any calendar year. The proposed
118 permit to burn brush at any municipal landfill, municipal transfer
119 station or municipal recycling center shall be submitted to the
120 commissioner by the fire marshal, with the approval of the chief
121 elected official of the municipality in which the municipal landfill,
122 municipal transfer station or municipal recycling center is located. The
123 commissioner shall approve or disapprove the fire marshal's proposed
124 permitting of burning of brush at a municipal landfill, municipal
125 transfer station or municipal recycling center within a reasonable time
126 of the filing of such application. The burning of leaves, demolition
127 waste or other solid waste deposited in such landfill shall be
128 prohibited. The burning of nonprocessed wood for campfires and
129 bonfires is not prohibited if the burning is conducted so as not to create
130 a nuisance and in accordance with any restrictions imposed on such
131 burning. Nothing in this subsection or in any regulation adopted
132 pursuant to this subsection shall affect the power of any municipality
133 to regulate or ban the open burning of brush within its boundaries for
134 any purpose. Notwithstanding any other provision of this section, fire
135 breaks for the purpose of controlling forest fires and controlled fires in
136 salt water marshes to forestall uncontrolled fires are not prohibited.
137 Open burning may be engaged in for any of the following purposes if
138 the open burning official with jurisdiction over the area where the
139 burning will occur issues an open burning permit: Fire-training
140 exercises; eradication or control of insect infestations or disease;
141 agricultural purposes; clearing vegetative debris following a natural
142 disaster; and vegetative management or enhancement of wildlife
143 habitat or ecological sustainability on municipal property or on any
144 privately owned property permanently dedicated as open space. Open
145 burning for such purposes on state property may be engaged in with
146 the written approval of the commissioner. Local burning officials
147 nominated for the purposes of this subsection shall be nominated only
148 by the chief executive officer of the municipality in which the official
149 will serve and shall be certified by the commissioner. The chief
150 executive officer may revoke the nomination. The commissioner may

151 adopt regulations, in accordance with the provisions of chapter 54,
152 governing open burning and may authorize or prohibit open burning
153 consistent with this section. The regulations may require the payment
154 of an application fee and inspection fee and may establish a
155 certification procedure for local burning officials.

156 (g) The commissioner shall require, by regulations adopted in
157 accordance with the provisions of chapter 54, the payment of a permit
158 application fee sufficient to cover the reasonable costs of reviewing
159 and acting upon an application for, and monitoring compliance with
160 the terms and conditions of, any state or federal permit, license, order,
161 certificate or approval required pursuant to this section. Any person
162 obtaining a permit, pursuant to said regulations, for the construction
163 or operation of a source of air pollution or for modification to an
164 existing source of air pollution shall submit a permit fee of twice the
165 amount of the fee established by regulations in effect on July 1, 1990.
166 The commissioner shall require the payment of a permit application
167 fee of two hundred dollars.

168 (h) The commissioner may require, by regulations adopted in
169 accordance with the provisions of chapter 54, payment of a fee by the
170 owner or operator of a source of air pollution, sufficient to cover the
171 reasonable cost of a visual test of an air pollution control device
172 through the use of a dust compound in the detection of leaks in such
173 device, or the monitoring of such test, provided such fee may not
174 exceed the average cost to the department for the conduct or
175 monitoring of such tests plus ten per cent of such average cost. Except
176 as specified in section 22a-27g, as amended by this act, all payments
177 received by the commissioner pursuant to this subsection shall be
178 deposited in the General Fund and credited to the appropriations of
179 the Department of Environmental Protection in accordance with the
180 provisions of section 4-86.

181 (i) Notwithstanding the provisions of subsections (g) and (h) of this
182 section, no municipality shall be required to pay more than fifty per

183 cent of any fee established by the commissioner pursuant to said
184 subsections.

185 [(j)] Each source of air pollution shall register with the commissioner
186 biennially. Such registration shall be accompanied by a fee of one
187 hundred fifty dollars, provided no premise shall pay a registration fee
188 exceeding seven thousand five hundred dollars.]

189 [(k)] (j) Fees or increased fees prescribed by this section shall not be
190 applicable to residential property.

191 [(l)] (k) (1) The commissioner may issue a general permit with
192 respect to a category of new or existing stationary air pollution
193 sources, except with respect to a source which is already covered by an
194 individual permit, provided the general permit is not inconsistent with
195 the federal Clean Air Act, as amended in 1990, 42 USC, Sections 7401 et
196 seq., and as it may be further amended from time to time. Any person
197 conducting an activity for which a general permit has been issued shall
198 not be required to obtain an individual permit under this section,
199 except as provided in subdivision (5) of this subsection. The general
200 permit may regulate a category of sources which, whether or not
201 requiring a permit under the federal Clean Air Act, (A) involve the
202 same or substantially similar types of operations or substances, (B)
203 require the same types of pollution control equipment or other
204 operating conditions, standards or limitations, and (C) require the
205 same or similar monitoring, and which, in the opinion of the
206 commissioner, are more appropriately controlled under a general
207 permit than under an individual permit. The general permit may
208 require that any person proposing to conduct any activity under the
209 general permit register such activity, including obtaining approval
210 from the commissioner, before the general permit becomes effective as
211 to such activity, and may include such other conditions as the
212 commissioner deems appropriate, including, but not limited to,
213 management practices and verification and reporting requirements.
214 Any such reports shall be made available to the public by the

215 commissioner. The commissioner shall grant an application for
216 approval under a general permit without repeating the notice and
217 comment procedures provided under subdivision (2) of this
218 subsection, and such a grant shall not be subject to judicial review
219 under subdivision (4) of this subsection. Registrations and applications
220 for approval under the general permit shall be submitted on forms
221 prescribed by the commissioner; application forms concerning
222 activities regulated under the federal Clean Air Act shall require that
223 the applicant provide such information as may be required by that act.
224 The commissioner shall prepare, and annually amend, a list of holders
225 of general permits under this section, which list shall be made
226 available to the public.

227 (2) Notwithstanding any other procedures in this chapter, any
228 regulations adopted thereunder, and chapter 54, the commissioner
229 may issue a general permit in accordance with the following
230 procedures: (A) The commissioner shall publish in a newspaper,
231 having a substantial circulation in the affected area or areas, notice of
232 (i) intent to issue a general permit, (ii) the right to inspect the proposed
233 general permit, (iii) the opportunity to submit written comments
234 thereon, and (iv) the right to a public hearing if, within the comment
235 period, the commissioner receives a petition signed by at least twenty-
236 five persons provided the notice shall state that the right to a public
237 hearing may be exercised upon request of any person if the permit
238 regulates an activity which is subject to provisions of the federal Clean
239 Air Act; (B) the administrator of the United States Environmental
240 Protection Agency and any states affected by the general permit shall
241 be given notice as may be required by the federal Clean Air Act; (C)
242 the commissioner shall allow a comment period of thirty days
243 following publication of notice under subparagraph (A) of this
244 subdivision during which interested persons may submit written
245 comments concerning the permit to the commissioner; (D) the
246 commissioner shall not issue the general permit until after the
247 comment period and the public hearing, if one is held; (E) the
248 commissioner shall publish notice of any general permit issued in a

249 newspaper having a substantial circulation in the affected area or
250 areas; and (F) summary suspension may be ordered in accordance with
251 subsection (c) of section 4-182. Any person may request that the
252 commissioner issue, modify, revoke or suspend a general permit in
253 accordance with this subsection.

254 (3) Any general permit under this subsection shall be issued for a
255 fixed term. A general permit covering an activity regulated under the
256 federal Clean Air Act shall be issued for a term of no more than five
257 years. A general permit covering an activity regulated under the
258 federal Clean Air Act shall contain such additional conditions as may
259 be required by that act.

260 (4) Notwithstanding any other provision of this chapter and chapter
261 54, with respect to a general permit concerning activities regulated
262 under the federal Clean Air Act, any person who submitted timely
263 comments thereon may appeal the issuance of such permit to the
264 superior court in accordance with the provisions of section 4-183. Such
265 appeal shall have precedence in the order of trial as provided in
266 section 52-192.

267 (5) Subsequent to the issuance of a general permit, the commissioner
268 may require a person whose activity is or may be covered by the
269 general permit to apply for and obtain an individual permit pursuant
270 to this chapter if he determines that an individual permit would better
271 protect the land, air and waters of the state from pollution. The
272 commissioner may require an individual permit under this subdivision
273 in cases including, but not limited to, the following: (A) The permittee
274 is not in compliance with the conditions of the general permit; (B) a
275 change has occurred in the availability of demonstrated technology or
276 practices for the control or abatement of pollution applicable to the
277 permitted activity; (C) circumstances have changed since the time the
278 general permit was issued so that the permitted activity is no longer
279 appropriately controlled under the general permit, or a temporary or
280 permanent reduction or elimination of the permitted activity is

281 necessary; or (D) a relevant change has occurred in the applicability of
282 the federal Clean Air Act. In making the determination to require an
283 individual permit, the commissioner may consider the location,
284 character and size of the source and any other relevant factors. The
285 commissioner may require an individual permit under this subdivision
286 only if the person whose activity is covered by the general permit has
287 been notified in writing that an individual permit is required. The
288 notice shall include a brief statement of the reasons for requiring an
289 individual permit, an application form, a statement setting a time for
290 the person to file the application and a statement that the general
291 permit as it applies to such person shall automatically terminate on the
292 effective date of the individual permit. Such person shall forthwith
293 apply for, and use best efforts to obtain, the individual permit. Any
294 person may petition the commissioner to take action under this
295 subdivision.

296 (6) The commissioner may adopt regulations, in accordance with the
297 provisions of chapter 54, to carry out the purposes of this subsection.

298 ~~[(m)]~~ (l) In any proceeding on an application for a permit which is
299 required under 42 USC 7661a, the applicant, and any other person
300 entitled under said section to obtain judicial review of the
301 commissioner's final action on such application may appeal such
302 action in accordance with the provisions of section 4-183.

303 ~~[(n)]~~ (m) The commissioner shall not issue a permit for an asphalt
304 batch plant or continuous mix facility under the provisions of this
305 section until July 1, 2004, unless the commissioner determines that the
306 issuance of the permit will result in an improvement of environmental
307 performance of an existing asphalt batch plant or continuous mix
308 plant. The provisions of this section shall apply to any application
309 pending on May 5, 1998. Nothing in this section shall apply to
310 applications for upgrading, replacing, consolidating or otherwise
311 altering the physical plant of an existing facility provided such
312 upgrade, replacement, consolidation or alteration results in an

313 improvement of environmental performance or in reduced total
314 emissions of air pollutants.

315 Sec. 2. Subsection (g) of section 22a-178 of the general statutes is
316 repealed and the following is substituted in lieu thereof (*Effective from*
317 *passage*):

318 (g) When an order issued by the commissioner to any person
319 pursuant to this chapter becomes final, [the commissioner shall cause]
320 except for an order to create or use emission reduction credits, the
321 respondent of such order shall file a certified copy or notice of the final
322 order [to be filed] on the land records in the town [wherein the land]
323 where the subject property is located, and such certified copy or notice
324 shall constitute a notice to the owner's heirs, successors and assigns.
325 Notwithstanding the provisions of this subsection, where the
326 respondent of a final order does not own the subject property, the
327 commissioner shall record notice of such order on the land records in
328 the town where the subject property is located. When the order has
329 been fully complied with or revoked, the commissioner shall issue a
330 certificate showing such compliance or revocation, which certificate
331 the [commissioner shall cause to be recorded] recipient of such
332 certificate shall record, on the land records in the town wherein the
333 order was previously recorded. Notwithstanding the provisions of this
334 subsection, where the recipient of such certificate does not own the
335 subject property, the commissioner shall record such certificate on the
336 land records in the town where the subject property is located. A
337 person filing a notice, a final order or a certificate pursuant to this
338 subsection shall submit to the commissioner a certified copy of the
339 filing indicating the volume and page number upon which the notice,
340 final order or certificate is filed.

341 Sec. 3. Section 22a-186 of the general statutes is repealed and the
342 following is substituted in lieu thereof (*Effective from passage*):

343 No person required by the provisions of section 22a-174, as
344 amended by this act, to obtain a [construction] permit [and an

operating permit] for the construction and operation of an air
contaminant source, including, but not limited to, a fume incinerator,
shall [use a construction permit for the operation of] construct and
operate such source, except as authorized by the Commissioner of
Environmental Protection. Any use or operation of such source not
authorized by the commissioner shall be cause for the commissioner to
[deny the issuance of an operating] revoke the subject permit. [to such
person for such source.] The commissioner, as he deems necessary,
may require an emission test of the source [before issuance of an
operating] as a condition of such permit. The results of any such test
shall be sent to the legislative body of the municipality in which the
source is located upon request of such legislative body. The
commissioner may require, by regulations adopted in accordance with
the provisions of chapter 54, payment of a fee by the owner or operator
of an air contaminant source sufficient to cover the reasonable cost to
the Department of Environmental Protection of conducting or
monitoring an emission test required pursuant to this section or
section 22a-174, as amended by this act. [Any] The commissioner may
revoke the permit of any person who violates any regulation adopted
by the commissioner pursuant to section 22a-174, as amended by this
act. [may have his operating permit revoked.]

Sec. 4. Subsection (a) of section 22a-6a of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective from*
passage):

(a) Any person who knowingly or negligently violates any
provision of section 14-100b or 14-164c, as amended, subdivision (3) of
subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
22a-6, as amended by this act, or 22a-7, chapter 440, chapter 441,
[section 22a-69 or 22a-74,] subsection (b) of section 22a-134p, section
22a-162, 22a-171, 22a-174, as amended by this act, 22a-175, 22a-177,
22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209,
22a-213, 22a-220, 22a-225, 22a-231, 22a-336, 22a-342, as amended, 22a-
345, 22a-346, 22a-347, 22a-349a, 22a-358, 22a-359, 22a-361, as amended,

22a-362, 22a-365 to 22a-379, inclusive, as amended, 22a-401 to 22a-411, inclusive, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, as amended, 22a-450, 22a-451, 22a-454, as amended, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the Commissioner of Environmental Protection shall be liable to the state for the reasonable costs and expenses of the state in detecting, investigating, controlling and abating such violation. Such person shall also be liable to the state for the reasonable costs and expenses of the state in restoring the air, waters, lands and other natural resources of the state, including plant, wild animal and aquatic life to their former condition insofar as practicable and reasonable, or, if restoration is not practicable or reasonable, for any damage, temporary or permanent, caused by such violation to the air, waters, lands or other natural resources of the state, including plant, wild animal and aquatic life and to the public trust therein. Institution of a suit to recover for such damage, costs and expenses shall not preclude the application of any other remedies.

Sec. 5. Subdivision (2) of subsection (a) of section 22a-6b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) For deposit, placement, removal, disposal, discharge or emission of any material or substance or electromagnetic radiation or the causing of, engaging in or maintaining of any condition or activity in violation of any provision of section 14-100b or 14-164c, as amended, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, as amended by this act, 22a-7, 22a-32, 22a-39 or 22a-42a, as amended, 22a-45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, as amended, [section 22a-69 or 22a-74,] subsection (b) of section 22a-134p, section 22a-162, 22a-171, 22a-174, as amended by this act, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, 22a-342, as amended, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, as amended, 22a-362, 22a-368, 22a-401 to 22a-405,

411 inclusive, 22a-411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-
412 447, 22a-449, as amended, 22a-450, 22a-451, 22a-454, as amended, 22a-
413 458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit
414 adopted thereunder by the commissioner, and for other violations of
415 similar character as set forth in such schedule or schedules, no more
416 than twenty-five thousand dollars for said violation for each day
417 during which such violation continues.

418 Sec. 6. Section 22a-69 of the general statutes is repealed and the
419 following is substituted in lieu thereof (*Effective from passage*):

420 [(a)] The commissioner may [develop, adopt, maintain and enforce a
421 comprehensive state-wide program of noise regulation] provide
422 technical assistance to any local government in the form of a model
423 noise control ordinance which may include, but [need] not be limited
424 to the following: (1) Controls on environmental noise through the
425 regulation and restriction of the use and operation of any stationary
426 noise source; (2) ambient noise standards for stationary noise sources
427 [which in the commissioner's judgment] that are major sources of noise
428 when measured from beyond the property line of such source and
429 such standards shall be feasible and requisite to protect the public
430 health, safety and welfare; such standards may include, but need not
431 be limited to, adoption by reference of standards or regulations
432 adopted by the administrator of the United States Environmental
433 Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-
434 574) or any amendment thereto; [(3) consultation with state and local
435 governmental agencies when such agencies adopt and enforce codes,
436 standards and regulations dealing with noise insulation and abatement
437 for any occupancy or class of occupancy; (4)] (3) controls on airport
438 and aircraft noise to the extent not preempted by federal law; [; nor
439 shall the state preempt power of local governments, in their capacity as
440 proprietors of airports or under police powers.]

441 [(b) (1) Any regulation promulgated pursuant to this chapter shall
442 be adopted pursuant to chapter 54 and shall be one which, in the

443 judgment of the commissioner, is requisite to protect the public health,
444 safety and welfare, taking into account the magnitude and conditions
445 of use or operation of the stationary noise source involved, alone or in
446 combination with other such sources, the degree of noise reduction
447 achievable through the application of the best available and practical
448 technology, taking into consideration technology which may be
449 available at the time the regulation becomes effective.

450 (2) Regulations promulgated pursuant to the authority of this
451 chapter may be applicable throughout the state or to such parts or
452 regions thereof specifically designated in such regulations.

453 (3) The commissioner shall adopt regulations providing for the
454 granting of individual variances from the provisions of this chapter,
455 whenever it is found, upon presentation by the petitioner of adequate
456 proof, that compliance with any provision of this chapter, any
457 regulation promulgated under it or an order of the commissioner
458 would impose an arbitrary or unreasonable hardship.]

459 Sec. 7. Section 22a-72 of the general statutes is repealed and the
460 following is substituted in lieu thereof (*Effective from passage*):

461 (a) State agencies shall, to the fullest extent consistent with their
462 authorities under state law administered by them, carry out the
463 programs within their control in such a manner as to further the policy
464 stated in section 22a-67.

465 [(b) State agencies shall cooperate with the commissioner in a state
466 program of noise regulation developed and maintained under this
467 chapter.]

468 [(c)] (b) Each department, agency or instrumentality of the
469 executive, legislative and judicial branches of the government of this
470 state, (1) having jurisdiction over any property or facility, or (2)
471 engaged in any activity resulting, or which may result in the emission
472 of noise, shall comply with federal, [and] state and local requirements

473 respecting control and abatement of environmental noise.

474 [(d)] (c) Each state agency shall consult with the commissioner in
475 prescribing standards or regulations respecting noise. If at any time the
476 commissioner has reason to believe that a standard or regulation or
477 any proposed standard or regulation, of any agency respecting noise
478 does not protect the public health and welfare to the extent he believes
479 to be required and feasible, he may request such agency to review and
480 report to him on the advisability of revising such standard or
481 regulation to provide such protection. Such agency shall complete the
482 requested review and report to the commissioner within such time as
483 the commissioner specifies, but such time specified may not be less
484 than forty-five days from the date the request was made.

485 Sec. 8. Section 22a-73 of the general statutes is repealed and the
486 following is substituted in lieu thereof (*Effective from passage*):

487 (a) To carry out and effectuate the purposes and policies of this
488 chapter it is the public policy of the state to encourage [municipal
489 participation by means of regulation of] local government to control
490 and regulate activities causing noise pollution within the territorial
491 limits of the various [municipalities] local governments. To that end,
492 any [municipality] local government may develop and establish a
493 comprehensive program of noise regulation. Such program may
494 include a study of the noise problems resulting from uses and activities
495 within its jurisdiction and its development and adoption of a noise
496 control ordinance.

497 (b) Any municipality may adopt, amend and enforce a noise control
498 ordinance which may include the following: (1) Noise levels which
499 will not be exceeded in specified zones or other designated areas; (2)
500 designation of a noise control officer and the designation of an existing
501 board or commission, or the establishment of a new board or
502 commission to direct such program; (3) implementation procedures of
503 such program and the relation of such program to other plans within
504 the jurisdiction of the [municipality] local government; (4) procedures

505 for assuring compliance with [state and federal] all applicable noise
506 regulations; (5) noise level restrictions applicable to construction
507 activities, including limitation on on-site hours of operation.

508 [(c) No ordinance shall be effective until such ordinance has been
509 approved by the commissioner. No ordinance shall be approved
510 unless it is in conformity with any state noise control plan, including]

511 (c) A noise control ordinance of a local government shall be
512 consistent with ambient noise standards [, adopted pursuant to section
513 22a-69 or any standards] or regulations adopted by the administrator
514 of the United States Environmental Protection Agency pursuant to the
515 Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto.
516 Notwithstanding the provisions of this subsection, any [municipality]
517 local government may adopt more stringent noise standards than
518 those adopted by the [commissioner, provided such standards are
519 approved by the commissioner] administrator of the United States
520 Environmental Protection Agency.

521 Sec. 9. Section 22a-371 of the general statutes is repealed and the
522 following is substituted in lieu thereof (*Effective from passage*):

523 (a) [Within one hundred twenty days of] After receipt of an
524 application for a permit, the commissioner shall determine if there is
525 any additional information that he deems necessary to carry out the
526 purposes of sections 22a-365 to 22a-378, inclusive. The applicant shall
527 provide such information to the commissioner upon request. [or may
528 request that the application be deemed complete as is.]

529 [(b) If the applicant does not furnish the requested information, the
530 commissioner shall publish notice of his tentative determination on the
531 application in accordance with section 22a-6h and shall hold or waive
532 a public hearing in accordance with the provisions of subsection (f) of
533 this section.]

534 [(c)] (b) If the commissioner finds that an application is complete, he

535 shall notify the applicant by certified mail, return receipt requested.
536 The commissioner shall also notify the applicant of the time, date and
537 location of any public hearing to be held on the application.

538 ~~[(d)]~~ (c) Upon notifying the applicant in accordance with subsection
539 ~~[(c)]~~ (b) of this section that the application is complete, the
540 commissioner shall immediately provide notice of the application and
541 a concise description of the proposed diversion to the Governor, the
542 Attorney General, the speaker of the House of Representatives, the
543 president pro tempore of the Senate, the Secretary of the Office of
544 Policy and Management, the Commissioners of Public Health and
545 Economic and Community Development, the chairperson of the Public
546 Utility Control Authority, chief executive officer and chairmen of the
547 conservation commission and wetlands agency of the municipality or
548 municipalities in which the proposed diversion will take place or have
549 effect, and to any person who has requested notice of such activities.

550 ~~[(e)]~~ (d) As used in this section, "municipality" means a city, town or
551 borough of the state.

552 ~~[(f)]~~ (e) The commissioner shall hold a public hearing before
553 approving or denying an application, except that, when the
554 commissioner determines that the proposed diversion (1) is necessary,
555 (2) will not significantly affect long-range water resource management
556 or the environment, and (3) will not impair proper management and
557 use of the water resources of the state, he may waive the requirement
558 for a hearing after publishing notice of his tentative decision regarding
559 the application and of his intent to waive the requirement for a hearing
560 in a newspaper having general circulation in the area where the
561 proposed diversion will take place or have effect; provided the
562 commissioner shall hold a hearing upon receipt, within thirty days
563 after such notice is published or mailed, of a petition signed by at least
564 twenty-five persons. If a hearing is to be held, the commissioner, at the
565 applicant's expense, shall (A) cause notice of the time, date and
566 location of the commencement of the hearing, a concise description of

567 the proposed diversion, and the commissioner's tentative
568 determination regarding the application to be published [at least twice
569 at intervals of not less than two days and] not less than [twenty] thirty
570 days prior to the commencement of the hearing in a newspaper having
571 a general circulation in the area where the proposed diversion will take
572 place or have effect, and (B) provide the same notice to the officials
573 listed in subsection [(d)] (c) of this section not less than [twenty] thirty
574 days prior to the commencement of the hearing.

575 Sec. 10. Subsection (c) of section 22a-372 of the general statutes is
576 repealed and the following is substituted in lieu thereof (*Effective from*
577 *passage*):

578 (c) The parties to the proceedings shall include: (1) The applicant; (2)
579 each person receiving notice pursuant to subsection [(d)] (c) of section
580 22a-371, as amended by this act, and (3) such other persons or
581 municipalities as the commissioner or the commissioner's designated
582 hearing officer may deem appropriate at any time prior to the close of
583 the hearing.

584 Sec. 11. Section 22a-374 of the general statutes is repealed and the
585 following is substituted in lieu thereof (*Effective from passage*):

586 Any person or municipality aggrieved by the decision of the
587 commissioner made pursuant to section 22a-373 [or the return of an
588 application by the commissioner as incomplete pursuant to the
589 provisions of subsection (b) of section 22a-371,] may appeal to the
590 Superior Court pursuant to the provisions of section 4-183, except that
591 the appeal shall be instituted by filing a petition in the superior court
592 for the judicial district of New Britain.

593 Sec. 12. Subsection (f) of section 22a-430 of the general statutes is
594 repealed and the following is substituted in lieu thereof (*Effective from*
595 *passage*):

596 (f) The commissioner may, by regulation, establish and define

597 categories of discharges, including but not limited to, residential
 598 swimming pools, small community sewerage systems, household and
 599 small commercial disposal systems and clean water discharges, for
 600 which he may delegate authority to any other state agency, water
 601 pollution control authority, municipal building official or municipal or
 602 district director of health to issue permits or approvals in accordance
 603 with this section or to issue orders pursuant to sections 22a-428, 22a-
 604 431, 22a-432 and 22a-436. In establishing such categories the
 605 commissioner shall consider (1) whether each discharge in such
 606 category, because of size and character, is likely to cause significant
 607 pollution to the waters of the state; (2) whether knowledge and
 608 training concerning disposal systems for each discharge in such
 609 category is within the expertise of such agency, authority, official or
 610 director; (3) whether the source of each discharge in such category is
 611 likely to be within the jurisdiction of such agency, authority, official or
 612 director for other matters. The commissioner shall establish, by
 613 regulation, minimum requirements for disposal systems for discharges
 614 in such categories. Any permit denied or order issued by any such
 615 agency, authority, official or director shall be subject to hearing and
 616 appeal in the manner provided in sections 22a-436 and 22a-437,
 617 provided such agency, authority, official or director has been duly
 618 delegated authority by the commissioner pursuant to this subsection.
 619 Any permit granted by any such agency, authority, official or director
 620 to which the commissioner has delegated authority pursuant to this
 621 subsection shall thereafter be deemed equivalent to a permit issued
 622 under subsection (b) of this section.

623 Sec. 13. Subsection (a) of section 7-247 of the general statutes, as
 624 amended by section 142 of public act 03-6 of the June 30 special
 625 session, is repealed and the following is substituted in lieu thereof
 626 (*Effective from passage*):

627 (a) Any municipality by its water pollution control authority may
 628 acquire, construct and operate a sewerage system or systems; may
 629 enter upon and take and hold by purchase, condemnation or otherwise

630 the whole or any part of any real property or interest therein which it
 631 determines is necessary or desirable for use in connection with any
 632 sewerage system; may establish and revise rules and regulations for
 633 the supervision, management, control, operation and use of a sewerage
 634 system, including rules and regulations prohibiting or regulating the
 635 discharge into a sewerage system of any sewage or any stormwater
 636 runoff which in the opinion of the water pollution control authority
 637 will adversely affect any part or any process of the sewerage system
 638 except that any such rule or regulation regarding decentralized
 639 systems shall be approved by the local director of health before such
 640 rule or regulation may be effective; may enter into and fulfill contracts,
 641 including contracts for a term of years, with any person or any other
 642 municipality or municipalities to provide or obtain sewerage system
 643 service for any sewage, and may make arrangements for the provision
 644 or exchange of staff services and equipment with any person or any
 645 other municipality or municipalities, or for any other lawful services.
 646 The water pollution control authority of any municipality planning to
 647 acquire, construct or operate a new or additional sewerage system
 648 shall consider the feasibility of using the sewage collected by such
 649 system as an energy source for the generation of electricity or the
 650 production of other energy sources. The water pollution control
 651 authority may establish rules for the transaction of its business. It shall
 652 keep a record of its proceedings and shall designate an officer or
 653 employee to be the custodian of its books, papers and documents. No
 654 person shall have a right to a hearing or an appeal in the manner
 655 provided in sections 22a-436 and 22a-437 from a decision of a water
 656 pollution control authority to deny a permit or issue an order unless
 657 such water pollution control authority was delegated authority by the
 658 commissioner pursuant to section 22a-430, as amended by this act, to
 659 make the decision that is the subject of such hearing or appeal.

660 Sec. 14. Subdivision (2) of subsection (c) of section 22a-524 of the
 661 general statutes is repealed and the following is substituted in lieu
 662 thereof (*Effective from passage*):

663 (2) Not later than July thirty-first, annually, each publicly-owned
664 treatment works shall purchase equivalent nitrogen credits necessary
665 to meet its nitrogen limits. Such purchase shall be paid by [certified
666 bank] check, or money order or other form of payment acceptable to
667 the Treasurer made payable to the "nitrogen credit exchange program".
668 The check, or money order or other such form of payment shall state
669 on its face "nitrogen credit purchase".

670 Sec. 15. Subsection (c) of section 22a-315 of the general statutes is
671 repealed and the following is substituted in lieu thereof (*Effective from*
672 *passage*):

673 (c) The commissioner may, by regulation, adopted pursuant to
674 chapter 54, establish a council to coordinate the activities of such
675 boards of such districts with the activities of the Department of
676 Environmental Protection and other state, regional and local agencies
677 and propose regulations to said department in matters of soil and
678 water erosion [control] conservation and to advise and assist the
679 commissioner in conserving and protecting the land, water and other
680 natural resources of the state. The council shall be within the
681 Department of Environmental Protection for administrative purposes
682 only. Such council shall consist of nine members, five representing the
683 soil and water conservation districts to be selected by [the boards of
684 said district, one representing the state Agricultural Stabilization and
685 Conservation Committee, one representing the state Extension
686 Advisory Council, and the Commissioners of Environmental
687 Protection and Agriculture or their designees. One of the
688 representatives of the soil and water conservation districts shall be a
689 full-time farmer. The following shall be ex-officio members of the
690 council: The State Conservationist of the Soil Conservation Service, the
691 director of the State Extension Service, the executive director of the
692 Agricultural Stabilization and Conservation Service, the Director of the
693 Farmers' Home Administration, the director of the Connecticut
694 Agricultural Experiment Station, the director of the Storrs Agricultural
695 Experiment Station and the area director of the United States Forest

696 Service] each of the five districts' boards, the Commissioner of
 697 Environmental protection or a designee, the Commissioner of
 698 Agriculture, or a designee, a representative of a nongovernmental
 699 organization appointed by the Governor and a representative of The
 700 University of Connecticut's cooperative extension system. In addition,
 701 the council shall include, but not be limited to, the following at-large
 702 nonvoting members: The State Conservationist or designee of the
 703 Natural Resource Conservation Service, the director of the Connecticut
 704 Agricultural Experiment Station or a designee, the director of the
 705 Storrs Agricultural Experiment Station or a designee, municipal staff
 706 representatives responsible for erosion and sedimentation control, the
 707 State Committee Chairman of the Farm Services Agency and a council
 708 member of a Resource Conservation and Development area. The
 709 commissioner shall have the authority to receive funds from any
 710 source on behalf of the council and shall expend such funds with the
 711 advice and consent of the council for equipment, supplies, and such
 712 full-time and part-time staff and consultants as may be necessary to
 713 carry out the council's duties and any other at-large, nonvoting
 714 members who have expertise to support the duties of the council.

715 Sec. 16. Subsection (b) of section 22a-617 of the general statutes is
 716 repealed and the following is substituted in lieu thereof (*Effective from*
 717 *passage*):

718 (b) Not later than July 1, 2003, the commissioner shall convene a
 719 working group which shall include, but not be limited to, government
 720 representatives from other northeastern states to (1) evaluate advances
 721 in technology and make recommendations regarding the regulation of
 722 mercury-added products that have a mercury content in excess of ten
 723 milligrams or ten parts per million but less than one hundred
 724 milligrams or fifty parts per million and specialized lighting used in
 725 the entertainment industry such as metal halide lights, and (2) evaluate
 726 the uses of lamps that have a mercury content of not less than one
 727 hundred milligrams and alternatives to such lamps and make
 728 recommendations regarding the regulation of lamps that have a

729 mercury content of not less than one hundred milligrams. Within such
730 working group, the commissioner shall convene a subgroup which
731 shall include, but not be limited to, industry trade groups for mercury-
732 containing lamps to develop a plan in accordance with section 22a-620,
733 as amended, to provide for the collection of such lamps. The working
734 group shall finalize [such] its recommendations regarding subdivision
735 (1) of this subsection and the subgroup shall finalize its
736 recommendations not later than July 1, 2004. The working group shall
737 finalize its recommendations regarding subdivision (2) of this
738 subsection not later than July 1, 2005.

739 Sec. 17. Subsection (a) of section 14-49b of the general statutes, as
740 amended by section 150 of public act 03-6 of the June 30 special
741 session, is repealed and the following is substituted in lieu thereof
742 (*Effective from passage*):

743 (a) For each new registration or renewal of registration of any motor
744 vehicle with the Commissioner of Motor Vehicles pursuant to this
745 chapter, the person registering such vehicle shall pay to the
746 commissioner a fee of ten dollars for registration for a biennial period
747 and five dollars for registration for an annual period, except that any
748 individual who is sixty-five years of age or older on or after January 1,
749 1994, may, at the discretion of such individual, pay the fee for either a
750 one-year or two-year period. The provisions of this section shall not
751 apply with respect to any motor vehicle which is not self-propelled,
752 which is electrically powered, or which is exempted from payment of a
753 registration fee. This fee may be identified as the "federal Clean Air Act
754 fee" on any registration form provided by the commissioner. Payments
755 collected pursuant to the provisions of this section shall be deposited
756 as follows: (1) Fifty-seven and one-half per cent of such payments
757 collected shall be deposited into the Special Transportation Fund
758 established pursuant to section 13b-68, as amended, and (2) forty-two
759 and one-half per cent of such payments collected shall be deposited in
760 a treasurer's account and credited to a separate, nonlapsing federal
761 Clean Air Act account which shall be established by the Comptroller

762 within the General Fund. The federal Clean Air Act account may be
763 used to pay any costs to state agencies of implementing the
764 requirements of the federal Clean Air Act Amendments of 1990 that
765 are not otherwise met by the fees collected pursuant to section [22a-
766 174a] 22a-174, as amended by this act, and any funds transferred to the
767 account pursuant to section 22a-27m, as amended, may additionally be
768 used by the Commissioner of Environmental Protection to carry out
769 the provisions of chapter 446c. All moneys deposited in this account
770 are deemed to be appropriated for this purpose. The fee required by
771 this section is in addition to any other fees prescribed by any other
772 provision of this title for the registration of a motor vehicle.

773 Sec. 18. Subsection (a) of section 22a-6 of the general statutes, as
774 amended by section 151 of public act 03-6 of the June 30 special
775 session, is repealed and the following is substituted in lieu thereof
776 (*Effective from passage*):

777 (a) The commissioner may: (1) Adopt, amend or repeal, in
778 accordance with the provisions of chapter 54, such environmental
779 standards, criteria and regulations, and such procedural regulations as
780 are necessary and proper to carry out his functions, powers and duties;
781 (2) enter into contracts with any person, firm, corporation or
782 association to do all things necessary or convenient to carry out the
783 functions, powers and duties of the department; (3) initiate and receive
784 complaints as to any actual or suspected violation of any statute,
785 regulation, permit or order administered, adopted or issued by him.
786 The commissioner shall have the power to hold hearings, administer
787 oaths, take testimony and subpoena witnesses and evidence, enter
788 orders and institute legal proceedings including, but not limited to,
789 suits for injunctions, for the enforcement of any statute, regulation,
790 order or permit administered, adopted or issued by him; (4) in
791 accordance with regulations adopted by him, require, issue, renew,
792 revoke, modify or deny permits, under such conditions as he may
793 prescribe, governing all sources of pollution in Connecticut within his
794 jurisdiction; (5) in accordance with constitutional limitations, enter at

795 all reasonable times, without liability, upon any public or private
796 property, except a private residence, for the purpose of inspection and
797 investigation to ascertain possible violations of any statute, regulation,
798 order or permit administered, adopted or issued by him and the
799 owner, managing agent or occupant of any such property shall permit
800 such entry, and no action for trespass shall lie against the
801 commissioner for such entry, or he may apply to any court having
802 criminal jurisdiction for a warrant to inspect such premises to
803 determine compliance with any statute, regulation, order or permit
804 administered, adopted or enforced by him, provided any information
805 relating to secret processes or methods of manufacture or production
806 ascertained by the commissioner during, or as a result of, any
807 inspection, investigation, hearing or otherwise shall be kept
808 confidential and shall not be disclosed except that, notwithstanding the
809 provisions of subdivision (5) of subsection (b) of section 1-210, as
810 amended, such information may be disclosed by the commissioner to
811 the United States Environmental Protection Agency pursuant to the
812 federal Freedom of Information Act of 1976, (5 USC 552) and
813 regulations adopted thereunder or, if such information is submitted
814 after June 4, 1986, to any person pursuant to the federal Clean Water
815 Act (33 USC 1251 et seq.); (6) undertake any studies, inquiries, surveys
816 or analyses he may deem relevant, through the personnel of the
817 department or in cooperation with any public or private agency, to
818 accomplish the functions, powers and duties of the commissioner; (7)
819 require the posting of sufficient performance bond or other security to
820 assure compliance with any permit or order; (8) provide by notice
821 printed on any form that any false statement made thereon or
822 pursuant thereto is punishable as a criminal offense under section 53a-
823 157b; (9) construct or repair or contract for the construction or repair of
824 any dam or flood and erosion control system under his control and
825 management, make or contract for the making of any alteration, repair
826 or addition to any other real asset under his control and management,
827 including rented or leased premises, involving an expenditure of five
828 hundred thousand dollars or less, and, with prior approval of the

829 Commissioner of Public Works, make or contract for the making of
830 any alteration, repair or addition to such other real asset under his
831 control and management involving an expenditure of more than five
832 hundred thousand dollars but not more than one million dollars; (10)
833 by regulations adopted in accordance with the provisions of chapter 54
834 require the payment of a fee sufficient to cover the reasonable cost of
835 the search, duplication and review of records requested under the
836 Freedom of Information Act, as defined in section 1-200, and the
837 reasonable cost of reviewing and acting upon an application for and
838 monitoring compliance with the terms and conditions of any state or
839 federal permit, license, registration, order, certificate or approval
840 required pursuant to subsection (i) of section 22a-39, subsections (c)
841 and (d) of section 22a-96, subsections (h), (i) and (k) of section 22a-424,
842 and sections 22a-6d, 22a-32, 22a-134a, as amended, 22a-134e, as
843 amended, 22a-135, as amended, 22a-148, as amended, 22a-150, as
844 amended, 22a-174, as amended by this act, [22a-174a,] 22a-208, 22a-
845 208a, 22a-209, 22a-342, as amended, 22a-345, 22a-354i, 22a-361, as
846 amended, 22a-363c, as amended, 22a-368, 22a-372, as amended, 22a-
847 379, as amended, 22a-403, 22a-409, as amended, 22a-416, 22a-428 to
848 22a-432, inclusive, 22a-449, as amended, and 22a-454 to 22a-454c,
849 inclusive, as amended, and Section 401 of the federal Clean Water Act,
850 (33 USC 1341). Such costs may include, but are not limited to the costs
851 of (A) public notice, (B) reviews, inspections and testing incidental to
852 the issuance of and monitoring of compliance with such permits,
853 licenses, orders, certificates and approvals, and (C) surveying and
854 staking boundary lines. The applicant shall pay the fee established in
855 accordance with the provisions of this section prior to the final
856 decision of the commissioner on the application. The commissioner
857 may postpone review of an application until receipt of the payment.
858 Payment of a fee for monitoring compliance with the terms or
859 conditions of a permit shall be at such time as the commissioner deems
860 necessary and is required for an approval to remain valid; and (11) by
861 regulations adopted in accordance with the provisions of chapter 54,
862 require the payment of a fee sufficient to cover the reasonable cost of

863 responding to requests for information concerning the status of real
 864 estate with regard to compliance with environmental statutes,
 865 regulations, permits or orders. Such fee shall be paid by the person
 866 requesting such information at the time of the request. Funds not
 867 exceeding two hundred thousand dollars received by the
 868 commissioner pursuant to subsection (g) of section 22a-174, as
 869 amended by this act, during the fiscal year ending June 30, 1985, shall
 870 be deposited in the General Fund and credited to the appropriations of
 871 the Department of Environmental Protection in accordance with the
 872 provisions of section 4-86, and such funds shall not lapse until June 30,
 873 1986. In any action brought against any employee of the department
 874 acting within his scope of delegated authority in performing any of the
 875 above-listed duties, the employee shall be represented by the Attorney
 876 General.

877 Sec. 19. Subsection (b) of section 22a-27g of the general statutes is
 878 repealed and the following is substituted in lieu thereof (*Effective from*
 879 *passage*):

880 (b) Notwithstanding any provision of the general statutes, [to the
 881 contrary,] on and after July 1, 1990, the amount of any fee received by
 882 the Department of Environmental Protection which is attributable to
 883 the provisions of sections 22a-6, as amended by this act, 22a-6d, 22a-
 884 27i, 22a-134e, as amended, 22a-135, as amended, 22a-148, as amended,
 885 22a-150, as amended, 22a-174, as amended by this act, [22a-174a,] 22a-
 886 208a, 22a-342, as amended, 22a-363c, as amended, 22a-372, as
 887 amended, 22a-379, as amended, 22a-409, as amended, 22a-430, as
 888 amended, 22a-449, as amended, 22a-454 to 22a-454c, inclusive, as
 889 amended, and 22a-361, as amended, or any regulation adopted or
 890 amended pursuant to section 22a-6, as amended by this act, or
 891 pursuant to any other provision of this title, shall be deposited directly
 892 into the Environmental Quality Fund established by subsection (a) of
 893 this section and credited to the environmental quality account. The
 894 Commissioner of Environmental Protection shall annually certify to
 895 the Treasurer, with respect to each such fee received on and after July

896 1, 1990, the amount of such fee which shall be credited to the General
897 Fund.

898 Sec. 20. Section 22a-27i of the general statutes is repealed and the
899 following is substituted in lieu thereof (*Effective from passage*):

900 Notwithstanding the provisions of sections 22a-6, as amended by
901 this act, 22a-6d, 22a-26g, 22a-26h, 22a-134e, as amended, 22a-135, as
902 amended, 22a-148, as amended, 22a-150, as amended, 22a-174, as
903 amended by this act, [22a-174a,] 22a-208a, 22a-342, as amended, 22a-
904 363c, as amended, 22a-372, as amended, 22a-379, as amended, 22a-409,
905 as amended, 22a-430, as amended, 22a-449, as amended, 22a-454 to
906 22a-454c, inclusive, as amended, and 22a-361, as amended, for the
907 period beginning July 1, 1990, and ending June 30, 1991, any fee to be
908 charged to a municipality in accordance with said sections shall be the
909 fee in effect on June 30, 1990.

910 Sec. 21. Subsection (a) of section 22a-27m of the general statutes, as
911 amended by section 149 of public act 03-6 of the June 30 special
912 session, is repealed and the following is substituted in lieu thereof
913 (*Effective from passage*):

914 (a) There is established within the Environmental Quality Fund
915 established under section 22a-27g an account to be known as the "air
916 emissions permit operating fee account". Notwithstanding the
917 provisions of section 22a-27g any moneys collected in accordance with
918 section [22a-174a] 22a-174, as amended by this act, shall be deposited
919 in the Environmental Quality Fund and credited to the air emissions
920 permit operating fee account. Any balance remaining in the account at
921 the end of any fiscal year shall be carried forward in the account for
922 the fiscal year next succeeding. The account shall be used by the
923 Commissioner of Environmental Protection for the purpose of
924 covering the direct and indirect costs of administering the program set
925 forth in Title V of the federal Clean Air Act Amendments of 1990.

926 Sec. 22. (*Effective from passage*) Sections 22a-70, 22a-71, 22a-74, 22a-75

927 and 22a-174a of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>
Sec. 22	<i>from passage</i>

Statement of Purpose:

To repeal duplicative statutory authority for the registration and permitting of sources of air pollution; to clarify the land record filing requirements for final orders and a certification of compliance or revocation issued pursuant to the air pollution control provisions and to exempt Trading Orders and Agreements from such land record filing requirements; to authorize a single permit for the construction and operation of a stationary source so as to avoid confusion with the operating permit program required by Title V of the 1990 federal Clean Air Act Amendments; to disinvest the Department of Environmental Protection from the noise pollution control program; to remove the requirement for a hearing following the rejection of a water diversion permit application for insufficiency and to replace dual public notice

requirements under the water diversion provision with a single public notice requirement; to clarify that an applicant to a state agency, water pollution control authority, municipal building official or municipal or district director of health for a permit for certain water discharges may not receive a hearing or appeal the decision unless such agency, authority, official or director has been delegated authority to issue such permit by the Commissioner of Environmental Protection; to allow municipalities to pay the state by means other than certified check when making payments for nitrogen credits; to redefine the duties of the Council on Soil and Water Conservation, to change the membership of such council and to add new at-large, nonvoting members to the council; and to require the current working group that is studying the regulation of certain mercury-added products to study the uses and the regulation of lamps that contain more than one hundred milligrams of mercury.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]